

Application No.: 09/997,355

Docket No.: JCLA8138

REMARKS**Present Status of the Application**

The Office Action rejected claims 13 and 14-16 under 35 U.S.C. 112, second paragraph, as being indefinitely for failing to particularly point out and distinctly claim the subject matter. The Office Action objected claim 1, 2, 3, 4, 5, 7, 12, 14 and 15 on the ground of 35 U.S.C. § 103 (a) as being unpatentable over US Patent Application Publication Number 2002/0095501 to Chiloyan et al. ("Chiloyan", hereinafter) and Microsoft Windows 2000 White Paper "Plug and Play for Windows 2000" ("Microsoft", hereinafter). Upon entry of the amendments in this response, claims 1, 3, 6, 7, 14 and 16 are amended. Claim 13 is cancelled therefrom. Applicant believes that the foregoing amendments do not introduce new matter. Thus, reconsideration of those claims is respectfully requested.

Response to Objections and Rejections**Rejections under 35 U.S.C. 112, ¶ 2**

The Office Action objected previous claims 13, 14-16 under 35 U.S.C. § 112, ¶ 2, as being indefinite. The claim 13 is cancelled, while the claim 14 and claim 16 are amended. It is believed that the rejection has been overcome by the amendment to claim 14.

Rejections under 35 U.S.C. 103 (a)

The Office Action objected claim 1, 2, 3, 4, 5, 7, 12, 14 and 15 on the ground of 35 U.S.C. § 103 (a) as being unpatentable over Chiloyan and Microsoft Windows 2000 White Paper "Plug and Play for Windows 2000" ("Microsoft").

In response thereto, Applicant has amended claims 1, 3, 6, 7, 14 and 16 and respectfully traverse the rejections for at least the reasons set forth below.

Application No.: 09/997,355

Docket No.: JCLA8138

It is well established at law that, for a proper rejection of a claim under 35 U.S.C. §103 as being obvious based upon a combination of references, the cited combination of references must disclose, teach, or suggest, either implicitly or explicitly, all elements/features/steps of the claim at issue. See, e.g., *In Re Dow Chemical*, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 208 U.S.P.Q.2d 871, 881 (C.C.P.A. 1981).

Chiloyan did not disclose, teach, or suggest, either implicitly or explicitly, or even combined with the Microsoft, “inspecting a driving program of the smart peripheral device using the plug-and-play notification and determining whether if the connected peripheral device is supported; and if the connected peripheral device is supported, using the plug-and-play notification to open the function device object established by a factory-provided driving program; using the function device object to retrieve a physical device object established through the bus-driving program; using the physical device object to retrieve a plurality of descriptors and calling data of the connected peripheral device; and using the descriptors and calling data to set up necessary data for executing the driving program of the smart peripheral device; if the connected peripheral device is not supported, a general-purpose driving program for communicating with the smart peripheral device through the smart peripheral device to the physical device object, where if the smart peripheral device is connected to the computer system: the general-purpose driving program switches on the function device object in order to: retrieve the physical device object established through the bus-driving program according to the function device object; and retrieve a plurality of descriptors and calling data of the smart peripheral device according to the physical device object; and finally set up necessary information for executing the general-purpose driving program” as defined in amended claim 1.

Chiloyan did not disclose, teach, or suggest, either implicitly or explicitly, or even combined with the Microsoft, “a computer system connected to a smart peripheral device without changing application programming interface or loading additional driver, the computer system comprising an operating system having a bus-driving program for controlling the peripheral bus, wherein the bus-driving program includes a physical device object for corresponding with the smart peripheral device and inspecting a driving program of the smart peripheral device using the

Application No.: 09/997,355

Docket No.: JCLA8138

plug-and-play notification and determining whether the connected peripheral device is supported; a factory-provided driving program having a function device object, wherein the function device object communicates with the smart peripheral device through the physical device object; and a general-purpose driving program for communicating with the smart peripheral device through the physical device object, where if the smart peripheral device is connected to the computer system and the connected peripheral device is not supported, switch on the function device object established through the factory-provided driving program; retrieve the physical device object established through the bus-driving program according to the function device object; retrieve a plurality of descriptors and calling data of the smart peripheral device according to the physical device object; and finally set up necessary information for executing the general-purpose driving program" as defined in amended claim 14.

Applicants therefore respectfully submit that the features in amended independent claims 1 and 14 are distinguished over Chiloyan and Microsoft, either alone or combined. Reconsideration and withdrawal of the rejections are respectfully requested.

Because independent claims 1 and 14 is allowable over the prior art of record, its dependent claims 2-12 and claims 15-16 are allowable as a matter of law.

Application No.: 09/997,355

Docket No.: JCLA8138

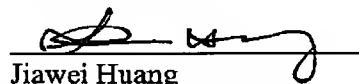
CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-12 and 14-16 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,
J.C. PATENTS

Date: 11/16/2004

4 Venture, Suite 250
Irvine, CA 92618
Tel.: (949) 660-0761
Fax: (949)-660-0809


Jiawei Huang

Registration No. 43,330